



Agenda Date: 8/18/04

Agenda Item: III E

**STATE OF NEW JERSEY**

**Board of Public Utilities**

**Two Gateway Center**

**Newark, NJ 07102**

***www.bpu.state.nj.us***

**CABLE TELEVISION**

IN THE MATTER OF THE PETITION OF )  
CABLEVISION OF MONMOUTH, INC. FOR )  
AMENDMENT TO ITS CERTIFICATE OF )  
APPROVAL TO OPERATE AND MAINTAIN A )  
CABLE TELEVISION SYSTEM IN THE )  
BOROUGH OF SEASIDE HEIGHTS, COUNTY )  
OF OCEAN, STATE OF NEW JERSEY )

**ORDER OF AMENDMENT**  
**OF A RENEWAL**  
**CERTIFICATE OF APPROVAL**

DOCKET NO. CE03020096

DOCKET NO. CE98040224

**SERVICE LIST ATTACHED**

**BY THE BOARD:**

On July 23, 1998, the Board granted a Renewal Certificate of Approval to Cablevision of Monmouth, Inc. ("Petitioner") for the Borough of Seaside Heights ("Borough"), in Docket No. CE98040224. The expiration date as specified by that order is December 18, 2005. The Petitioner is now known as Cablevision of Monmouth, LLC.

The Petitioner and the Borough entered into negotiations regarding amendments to the municipal consent ordinance granted by the Borough and the Renewal Certificate of Approval issued to the Petitioner. The parties entered into an agreement to amend the ordinance and modified language in relation to a number of provisions of the ordinance as discussed more fully below, which included the extension of the franchise term and the provision of free cable internet service to one municipal service property. On October 2, 2002, the Borough adopted an ordinance amending its municipal consent ordinance of October 15, 1997. On October 22, 2002, the Petitioner accepted the ordinance.

On February 3, 2003, the Petitioner filed a petition for Amendment to its Renewal Certificate of Approval, pursuant to N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7. In its petition, the Petitioner requested that the Board approve an amendment to the municipal consent upon which the Renewal Certificate of Approval was based. The Board has reviewed the petition for Amendment of the Certificate of Approval and the amended municipal consent ordinances.

Based upon this review and the recommendation of the Office of Cable Television, the Board **HEREBY FINDS** that the Certificate of Approval should be amended to include the following changes:

1. Section 49-4-(A) "Duration of the Franchise and Reporting Requirements" of the ordinance was modified and Provision No. 4 of the Renewal Certificate of Approval is amended to state that the term shall expire December 18, 2010.
2. Section 49-8 "Local Office and Complaint Procedures" of the ordinance was amended to delete the last sentence which required the Petitioner to provide copies of the customer service evaluations to the Borough Council.
3. Section 49-18 of the ordinance was added and Provision No. 13 of the Renewal Certificate of Approval is amended to state that the Petitioner shall provide to the Borough, free of charge, one high-speed cable modem and monthly Internet access service, including a standard installation, to Borough Hall. The Borough shall be permitted, at its own cost, to network up to three additional personal computer terminals in the designated building to the cable modem provided by the Petitioner.
4. Section 49-19 "Equitable Terms" of the ordinance was added. This provision states that in the event that another multi-channel video program provider's service within the Borough creates a significant competitive disadvantage to the Petitioner, the Petitioner shall have the right to request from the Borough lawful amendments to its franchise as stipulated in the ordinance and pursuant to applicable State and federal law. Any future amendment to the ordinance based on the above provision shall require that the Petitioner file with the Board and that the Petitioner maintains the right to petition the Board for modification of the consent in accordance with N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7.

Therefore, the Petitioner is **HEREBY ISSUED** this Amendment to the Renewal Certificate of Approval as evidence of the Petitioner's authority to construct, operate and maintain a cable television system in the Borough. The Amendment shall not affect any of the remaining terms and conditions of the Certificate of Approval issued by the Board in its grant of operating authority. This Amendment to the Renewal Certificate of Approval is subject to all applicable state and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. §76.1 et seq., including but not limited to, the technical standards 47 C.F.R. §76.601 through §76.630. Any modifications to the provisions thereof shall be incorporated into this Certificate.


Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of the Certificate issued by the Board.


This Amendment to the Renewal Certificate of Approval is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein


contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

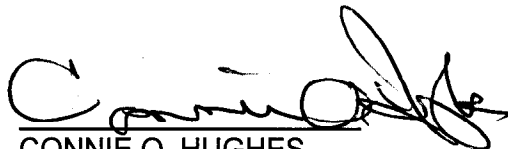
DATED: 8/19/04


BOARD OF PUBLIC UTILITIES  
BY:

  
JEANNE M. FOX  
PRESIDENT

  
FREDERICK F. BUTLER  
COMMISSIONER

  
CAROL J. MURPHY  
COMMISSIONER

  
CONNIE O. HUGHES  
COMMISSIONER

  
JACK ALTER  
COMMISSIONER

ATTEST:

  
KRISTI IZZO  
SECRETARY

## **SERVICE LIST**

James Eric Andrews, Esq.  
Schenck, Price, Smith & King, LLP  
10 Washington Street  
Morristown, NJ 07963

James Camera  
Acting Borough Clerk/Administrator  
Borough of Seaside Heights  
PO Box 38  
Seaside Heights, NJ 08751-0038

Adam Falk, Esq.  
Cablevision  
683 Route 10 East  
Randolph, NJ 07683

Celeste M. Fasone, Director  
Office of Cable Television  
Board of Public Utilities  
Two Gateway Center  
Newark, NJ 07102

Nancy J. Wolf  
Coordinator, State and Local Planning, South  
Office of Cable Television  
Board of Public Utilities  
Two Gateway Center  
Newark, NJ 07102

Kenneth J. Sheehan, Esq.  
Deputy Attorney General  
Division of Law  
State of New Jersey  
124 Halsey Street  
Newark, New Jersey 07102



AGEDNA DATE: 7/22/98 *dry*

STATE OF NEW JERSEY  
Board of Public Utilities  
Two Gateway Center  
Newark, NJ 07102

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF )  
CABLEVISION OF MONMOUTH, INC. )  
FOR RENEWAL OF A CERTIFICATE OF )  
APPROVAL TO CONTINUE TO OPERATE )  
AND MAINTAIN A CABLE TELEVISION )  
SYSTEM IN THE BOROUGH OF SEASIDE )  
HEIGHTS, COUNTY OF OCEAN, STATE )  
OF NEW JERSEY )

RENEWAL  
CERTIFICATE OF APPROVAL

DOCKET NO. CE98040224

Schenck, Price, Smith & King, Morristown, New Jersey, by Sidney  
A. Sayovitz, Esq., for the Petitioner.

Borough Clerk, Borough of Seaside Heights, New Jersey, by Bettsey  
Arnold for the Borough.

BY THE BOARD:

On April 25, 1974, the Board granted National Video Systems, Inc. ("National Video") a Certificate of Approval in Docket No. 735C-5019 for the construction, operation and maintenance of a cable television system in the Borough of Seaside Heights ("Borough"). On December 18, 1980, the Board issued a Renewal Certificate of Approval to National Video in Docket No. 797C-6519. On March 3, 1986, the Board approved the transfer of the Certificate of Approval from National Video to Ocean Cablevision Associates ("OCA") in Docket No. CM860172. On March 30, 1988, the Board approved the transfer of the Certificate of Approval from OCA to Monmouth Cablevision Associates ("MCA"). On May 17, 1994, the Board approved the sale of MCA to Cablevision of Monmouth, Inc. ("Petitioner"), in Docket No. CM93120537. The Petitioner's Certificate expired on December 18, 1995, however, it is authorized to continue to provide cable television service to the Borough pursuant to N.J.S.A. 48:5A-25.

The Petitioner filed an application for the renewal of its municipal consent with the Borough on March 17, 1995, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Borough, after public hearing, adopted an ordinance on October 15, 1997, granting renewal municipal consent to the Petitioner. The Petitioner formally accepted the terms and conditions of the ordinance on February 24, 1998, in accordance with N.J.S.A. 48:5A-24.

On April 14, 1998, pursuant to N.J.S.A. 48:5A-16, Petitioner filed with the Board for a renewal of its Certificate of Approval for the Borough. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Certificate of Approval. Further, these qualifications were reviewed by the Borough in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.
2. The design and technical specifications of the system will ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is ten years. The Office of Cable Television finds this term to be reasonable.
5. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates, and promptly file any revisions thereto.
6. Pursuant to N.J.S.A. 48:5A-26(b), the ordinance specifies a complaint officer. In this case it is the Office of Cable Television. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.
7. The Petitioner shall maintain a local business office for the purpose of receiving, investigating and resolving complaints. The current local office is situated at 501 Boulevard in the Borough.
8. The franchise fee to be paid to the Borough is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Borough. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.

9. The Petitioner shall extend cable service to all sections of the Borough at standard and non-standard installation rates.
10. The Petitioner will provide public, educational, and governmental ("PEG") access services, technical support, training and facilities as described in the application.
11. The Petitioner provides one shared PEG access channel. The Petitioner also maintains a fully staffed and equipped television studio for the creation of local programming and for use in the production of PEG access programming. The production equipment and use of the facilities are to be provided to the community at no cost to the access users. In addition, the Petitioner shall videotape the first municipal meeting of the month and telecast it in its entirety one week later.
13. The Petitioner shall provide the installation of up to ten outlets, including addressable converters, and basic monthly cable service, free-of-charge, to all schools in the Borough. The Petitioner shall also provide the installation and basic monthly cable service, free-of-charge, to the following municipal locations; four outlets in the Municipal Building, one outlet to the Community Center located at Hancock Avenue and Bay Boulevard, to the Department of Public Works and to the information trailer located at Sumner Avenue and Bay Boulevard.

Based upon these findings, the Board HEREBY CONCLUDES that pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has sufficient financial and technical capacity and meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Borough.

This Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions, and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. Section 76.1 et seq. Any modifications to the provisions thereof shall be incorporated into this Certificate. Additionally and more specifically, the Petitioner shall adhere to the

technical standards of 47 C.F.R. Part 76, Subpart K.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions, and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

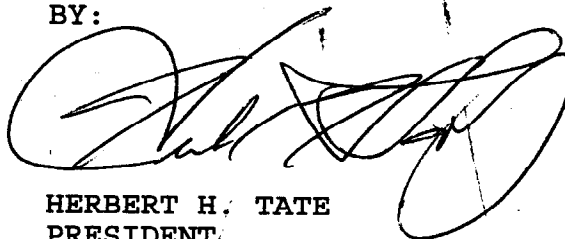
This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire December 18, 2005.

DATED:

*July 23, 1998*

BOARD OF PUBLIC UTILITIES  
BY:

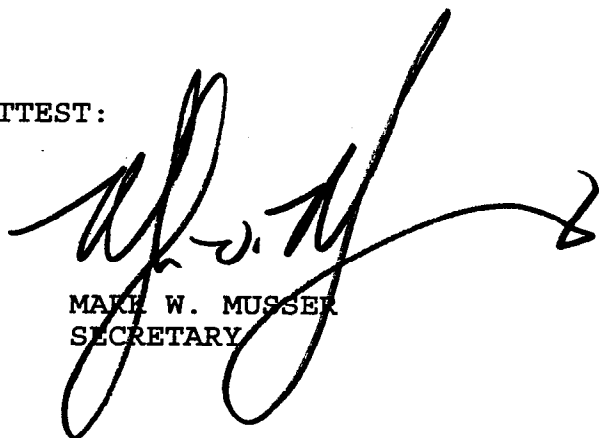


HERBERT H. TATE  
PRESIDENT



CARMEN J. ARMENTI  
COMMISSIONER

ATTEST:



MARK W. MUSSER  
SECRETARY